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Commissioner Hoyer Meets with Chechen President Maskhadov

On November 18, Ranking Minority Commissioner Steny Hoyer (D-MD) met with Chechen President Aslan Maskhadov, elected last February. The meeting took place during Maskhadov's first visit to the United States.

During the meeting, Maskhadov reiterated his commitment to the independence of Chechnya, as a subject of international law, as opposed to any form of autonomy within the Russian Federation. He noted that Chechnya, unlike any of the other Federation republics that have negotiated certain forms of autonomy with Moscow, has never signed the Russian Federation Treaty. Nevertheless, Maskhadov foresaw the need for continued economic rela-

Maskhadov, *continued on page 144*



l to r, Wayne Merry, an interpreter, Dr. Kay King, Dragoljub Ackovic, Bob Hand and Dorothy Taft meet at the Commission

Serbian Romani Leader Briefs Commission

On November 4, Dragoljub Ackovic, president of the Romani Cultural Federation in Serbia, briefed Helsinki Commission staff on the problems of the Romani community in Serbia. Visiting shortly after a Romani boy was brutally beaten to death by skinheads in Belgrade, Ackovic expressed particular concern regarding the growing acts of violence against the Romani minority. He also described his experiences as a journalist and editor for two Romani newspapers, as well as his work with Radio Belgrade.

Mr. Ackovic outlined three major types of problems that the Romani people face: economic, political, and cultural. Unemployment rates among the Romani minority are especially high, in part due to anti-Roma discrimination. As a consequence, many Roma from Serbia, especially the well-educated, have left the country for better opportunities abroad.

Ackovic argued that the political problems Roma face stem from their lack of representation in parliament. He asserted that of the 700,000 Romani in Serbia, 300,000 are eligible to vote. If they all voted for the Romani party, the Roma would gain ten seats in parliament. But, said Ackovic,

Ackovic, *continued on page 144*

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

Independent Belarus Newspaper Shut Down

In the latest effort to silence opposition to President Lukashenka's increasingly authoritarian regime, Belarusian authorities have shut down the largest independent newspaper *Svaboda*. Authorities on November 24 closed the paper after Belarus' Supreme Economic Court ruled *Svaboda* to be in violation of Article Five of the 1995 Belarusian Law on the Press and Other Press Media. Several articles were deemed to have incited "hostility between citizens and the authorities." One of the articles in question, for instance, favorably depicted opposition figures.

According to RFE/RL, *Svaboda* editor-in-chief Ihar Hermianchuk has vowed to resume publication of the paper—in neighboring Lithuania, if necessary. Excerpts from the newspaper are broadcast regularly on RFE/RL's Belarusian language service and are available on the Internet.

The closure of *Svaboda* marks the latest in a series of measures by Belarusian strongman President Alyaksandr Lukashenka to stifle the independent media in Belarus and establish a full-fledged monopoly on information. *Svaboda*—like other independents—has operated under difficult conditions for several years, harassed by the authorities. Actions in the last two years

against *Svaboda* have included: cancellation of its contract with the state printing house; libel lawsuits for publishing material critical of the government; frozen bank accounts; heavy fines; and, refusal of the Miensk post office to deliver material to subscribers. Despite such pressure, and the chilling effect of government harassment on potential advertisers, *Svaboda* managed to have a circulation of 50,000.

On November 28, during the final plenary at the Warsaw OSCE Implementation Meeting on Human Dimension Issues, the Belarusian Government came under strong criticism from many OSCE participating States for shutting down the paper. Head of the U.S. delegation, Rudolf V. Perina, asserted that closure of the newspaper "is another glaring example of the Belarus Government's apparent failure to abide by even the most basic commitments of the OSCE." Throughout the three-week meeting, Belarus was criticized by the United States and other countries for a host of human rights violations, including restrictions on freedom of association and assembly, curtailing the activity of non-governmental organizations, as well as its largely successful attempts to stifle the media and freedom of expression.

☞ Orest Deychakiwsky

New Senior Advisor Joins Staff

At the start of November, E. Wayne Merry joined the Commission staff as Senior Advisor. A U.S. Foreign Service Officer for twenty-five years, Mr. Merry has considerable experience relevant to the work of the Commission, including two tours at the Embassy in Moscow (1980-83 and 1991-94) where he worked on Soviet and Russian domestic political affairs. Mr. Merry has also served at U.S. Embassies in: East Berlin (1977-79), U.S. Mission to the United Nations, New York (1983-85), Athens (1987-90), plus service at Main State in Washington, D.C. He comes to the Commission following his assignment as Regional Director for Russia, Ukraine, and Eurasia, Office of the Secretary of Defense (1995-97). A native Oklahoman, Mr. Merry has a B.A. from the University of Wisconsin, Madison (1970) and a MPA from Princeton University's Woodrow Wilson School of Public and International Affairs.

Mandate for OSCE Economic and Environmental Co-ordinator Approved

In addition to a mandate for a Representative on Freedom of the Media [see article, page 143], the OSCE Permanent Council approved a mandate for a "Co-ordinator of OSCE Economic and Environmental Activities" in response to a decision of the Lisbon Summit Meeting last year. The Co-ordinator is charged with "strengthening the ability of the Permanent Council and the OSCE institutions to address economic, social and environmental aspects of security."

One of the Co-ordinator's main priorities will be to enhance OSCE interaction with relevant economic organizations, financial institutions and organizations active in the environmental field and to draw upon their expertise in assessing the potential of security risks resulting from economic, social and/or environmental conflicts.

The Co-ordinator will work in the OSCE Secretariat under the direct supervision of the Secretary General. [see Mandate, page 141.]

☞ Chadwick R. Gore

DECISION No. 194
MANDATE FOR A CO-ORDINATOR OF
OSCE ECONOMIC AND ENVIRONMENTAL ACTIVITIES

In keeping with the OSCE's comprehensive concept of security, bearing in mind the particular role which the OSCE plays in early warning, conflict prevention, crisis management and post-conflict rehabilitation, in fulfillment of the commitment embodied in the Lisbon Summit Declaration to improve their common efforts in the implementation of OSCE commitments in the economic dimension and to pursue the adequate development of OSCE activities dealing with security-related economic, social and environmental issues, the participating States:

1. Decide to establish the position of a Co-ordinator of OSCE Economic and Environmental Activities within the OSCE Secretariat.

**“...their efforts to develop co-
operation in the fields of trade,
industry, science and technology,
the environment and other areas
of economic activity contribute to
the reinforcement of peace and
security in Europe and in the
world as a whole,”
—Basket III, Helsinki Final Act**

Mandate

2. The Co-ordinator, acting in support of the Chairman-in-Office, is charged with strengthening the ability of the Permanent Council and the OSCE institutions to address economic, social and environmental aspects of security.

3. The Co-ordinator will act in accordance with the OSCE's flexible approach in responding to tensions and crisis situations as they emerge and evolve. His/Her regular priorities will be:

- to enhance OSCE interaction with relevant international economic organizations, financial institutions and organizations active in the environmental field, as well as with relevant regional, subregional and transborder economic co-operation organizations and initiatives;
- recognizing the role these organizations, institutions and initiatives play, to establish interaction and regular consultations with them based on the concept of co-operative security and aimed at the development of synergies;

Economic Mandate, *continued on page 144*

DECISION No. 193

**MANDATE OF THE OSCE REPRESENTATIVE ON
FREEDOM OF THE MEDIA**

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, inter alia, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudge national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

Media Mandate, *continued on page 145*

OSCE Adopts Mandate for “Representative on Freedom of the Media;” Free Speech Remains Restricted in Many OSCE Countries

On December 5, the Permanent Council of the OSCE participating States adopted a mandate for a “Representative on Freedom of the Media.” [See page 142]. Subsequently, Freimut Duve, author of the original German proposal, was appointed to the post at the 18-19 December Meeting of the OSCE Ministerial Council in Copenhagen. Mr. Duve has served as Chairman of the Committee for Democracy, Human Rights and Humanitarian Issues of the OSCE Parliamentary Assembly and as a member of the German Bundestag. On October 3, 1996, in advance of the 1996 Vienna Review Conference, Mr. Duve visited the OSCE Permanent Council in Vienna with German Foreign Minister Klaus Kinkel, who launched the idea. Foreign Minister Kinkel described the proposed OSCE media official as “an ombudsman for journalists and media organizations” and as someone with the authority to formulate “appropriate standards.”

The media proposal was motivated out of concern over the serious restrictions on free and independent media that persist in a number of OSCE countries; the concept was further inspired by the success of the OSCE High Commissioner on National Minorities in addressing concrete problems. Although the original concept of the post was formulated along the lines of a mediator, the mandate as ultimately adopted clearly establishes the Representative as an advocate.

In a number of OSCE countries, serious restrictions on free speech and a free independent media persist. Reflecting strong U.S. concern for this issue, the United States delegation to the November OSCE Implementa-

tion Meeting on Human Dimension Issues included Nicholas Daniloff, a consultant with the Committee to Protect Journalists.

Daniloff’s statement touched on a number of themes, including the subject of laws against sedition, i.e., laws which provide criminal penalties for insults to the state’s authority. Such laws may make it a crime to “insult” public officials such as the president, cabinet members, judges or others; they may also make it a crime to “insult” the nation or the state.

Laws of this kind were frequently used by Communist regimes to persecute those who criticized the gov-

ernment. Today, laws against sedition not only remain on the books in many post-Communist countries, they continue to be used. For example:

- In November 1997, a Polish prosecutor filed criminal charges against a priest, Father Rydzyk of Torun, for “insulting” a public functionary. If convicted, he faces up to two years in prison.

- In May 1997, two Kyrgyz journal-

ists, Yryspek Omurzakov and Zamira Sydkova, were convicted in connection with articles exposing corruption in the government and “insulting” the president. Omurzakov was sentenced to three years in prison and Sydkova was sentenced to 18 months in a labor colony.

- In March 1997, Yovka Atanassova was convicted in Bulgaria of seditious libel for accusing some politicians of being informants in the Bulgarian secret police. She was sentenced to 8 months in prison.

✉ Erika B. Schlager

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

—Article 19, Universal Declaration
of Human Rights

Maskhadov, *continued from page 139*

tions with Russia—a “joint economic space.”

The Chechen President expressed dissatisfaction with what he felt was the slowness of negotiations with Moscow on (as opposed to defining) Chechnya’s status. Yeltsin, he felt, had seen the mistake of starting the war in Chechnya, but the various executive branches offices involved in the negotiations are not working together for a definitive resolution of Chechen-Russians relations.

✉ John Finerty

Ackovic, *continued from page 139*

“Romani candidates cannot offer anything but ideals, so the Roma vote for other parties because they cannot live on ideals alone.” He also pointed out that since the Serbian Constitution only gives rights to groups designated as “national minorities,” and Roma are only designated as an “ethnic group” but *not* as a national minority, they are not recognized as a people in the Serbian Constitution.

Ackovic also described the cultural problems faced by the Romani community in Serbia. In particular, he noted that there are no established institutions which promote the Romani culture and that the promotion of Romani culture is therefore left to individuals and smaller groups who finance projects themselves. Ackovic stated that the Serbian Government does not have the time nor the interest to support any Romani issues.

A second theme of the briefing focused on increasing incidents of violence against the Romani minority. The most prominent of these occurred on October 14, when a 13-year-old Romani boy, on his way to the grocery store, was beaten to death with a drain pipe by a group of skinheads. Four suspects were arrested in connection with the beating, but were later released. Two new suspects have been arrested and are charged with the crime, but since they are under the age of twenty-one, Ackovic believes they may go free. Ackovic suggested that witnesses to such incidents are often afraid to speak out because of their fear of skinhead retaliation. Although the October incident has been highly publicized, it is, in fact, only one of many violent acts against Roma in Serbia.

Ackovic, currently involved in a number of projects designed to establish organizations for the Romani people, has plans to publish a book on violence against Roma.

✉ Erika B. Schlager, assisted by Rossana Creo & Karen McNeilly

Economic Mandate, *continued from page 141*

- to draw on their expertise in working to assess potential security risks stemming, wholly or in part, from economic, social and environmental factors;

- to offer them the added value of the OSCE’s unique political and security perspective;

- to foster co-operation and information-sharing between the OSCE and international economic organizations/financial institutions in addressing the economic and environmental aspects of post-conflict rehabilitation;

- to strengthen the economic, social and environmental components of the work of OSCE missions where appropriate as an essential early-warning tool and in the fulfilment of OSCE commitments;

- to deepen interaction with the OSCE Parliamentary Assembly in areas within the Co-ordinator’s competence;

- to broaden OSCE interaction with representatives of the business community, business associations and relevant non-governmental organizations; and

- to develop, on the basis of input from participating States and other institutions, a work programme, to include planning for and follow-up to meetings of the Economic Forum, and the preparation of an appropriate schedule of events in the economic dimension. The Co-ordinator shall, within the scope of his/her mandate, participate in and provide input to these meetings and other related OSCE activities, including but not limited to annual implementation reviews and work related to the Security Model. In general, the Co-ordinator’s activities shall be reflected in the Secretary General’s reports to the Permanent Council; however, given his/her specialized expertise, he/she shall address that body as the need arises or upon request.

Profile, Appointment and Support

4. The Co-ordinator shall be an individual with a distinguished record of service, in the public or the private sector, in promoting enhanced economic co-operation and security in the OSCE region.

5. The Co-ordinator shall be appointed for a period of three years, in accordance with established OSCE procedures applicable to D2 and D1 positions.

6. The Co-ordinator will work under the direct supervision of the Secretary General. The post will be funded through the OSCE budget in accordance with the OSCE Staff Regulations. The Co-ordinator will be assisted by the Economic Adviser and necessary office staff.

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6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman—in—Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman—in—Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

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